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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/322,457	05/28/1999	STEVE SPRINGMEYER	30581-8002	8030

7590 01/03/2003

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EXAMINER
TANG, KENNETH

ART UNIT	PAPER NUMBER
2127	16

DATE MAILED: 01/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/322,457	SPRINGMEYER ET AL.	
	Examiner	Art Unit	
	Kenneth Tang	2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 November 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-70* is/are pending in the application.

4a) Of the above claim(s) *17-70* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Applicant's election without traverse of Group I (Claims 1-16) in Paper No. 15 is acknowledged.

2. Claims 1-16 are pending for examination, while claims 17-70 are cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being unpatentable by Lawson et al. (hereinafter Lawson) (US 6,185,613 B1).

Referring to claim 1, Lawson teaches a method in a computer system for providing property notifications for properties of software components in a distributed computing environment *("event notification in a distributed computing environment", where a property can be set as an event, col. 1, lines 21-25)*, the method comprising:

- registering, by a first software component, an interest in watching a property of a second software component;
- receiving a notification when the property is set;
- tracking a state of the second software component;
- determining when the second software component is in a down state (unavailable) based upon said tracking.

Lawson's event notification system and method is able to customize the event type so that monitoring a property can be set as an event *("custom event type", "register the event type", "notification process", "notify", "event had occurred", col. 6, lines 7-24)*. Furthermore, Lawson discloses, "Registering for an event comprises making one entry identifying the event type [first software component] and the local event consumer [second software component] wishing to receive notification of the event and another entry identifying the server attached to the local event consumer as needing notification of the event type [second software component]" *(col. 20, lines 59-67, and also see "Employee example" on col. 25, lines 54-65)*. Determining when the second software component is in a down state occurs during the identification process for notifications that are needed/available *(items 90, 98 and 106 of Fig. 4)*. If they are not available (down state), then the program stays and continues in the watching/monitoring state until it is found available.

Referring to claim 2, Lawson teaches retrieving the state of the property independently of receiving the notification *("identifying the event type", "another entry identifying the server*

attached to the local event consumer as needing notification of the event type", col. 20, lines 59-67).

Referring to claim 3, Lawson teaches an un-registering the interest in watching the property of the second software component *("remove notification of events having little or no interest", see Abstract, and col. 2, lines 57-67 through col. 3, lines 1-8).*

Referring to claim 4, Lawson teaches wherein the property has associated access rights and wherein an interest can only be registered by the first software component if the first software component has sufficient access rights *("decision block 90, 98, and 106 of Fig. 4", col. 20, line 9, and "check whether an event producer has appropriate rights for the requested action", "rights to register for a particular event", "rights to trigger or send an event to the system", "if the event producer does not have the proper rights, execution returns to the start", col. 20, lines 9-58).*

Referring to claim 5, Lawson teaches:

- wherein a plurality of first software components have registered an interest in watching the property *("Event consumers can globally register for a particular event by simply registering locally", col. 29, lines 44-46)*;
- wherein each software component that is watching the property receives notification of a current setting of the property before any software component that is watching the property receives a notification of a subsequent setting of the property *("multiple event*

queues which may take the form of preferential queues for processing higher priority events" for notifications, col. 10, lines 57-67, and can also be accessed in a "stack" such as a "LIFO" or "reverse order of occurrence", col. 11, lines 1-8). The preferred data structure, whether it be stacks or queues, maintain the sequential order.

Referring to claim 6, Lawson teaches:

- wherein the plurality of first software components have registered an interest in watching the property *("Event consumers can globally register for a particular event by simply registering locally", col. 29, lines 44-46)*;
- wherein each software component that is watching the property receives notifications of a plurality of settings of the property in the same temporal order in which the plurality of settings occurred *("multiple event queues which may take the form of preferential queues for processing higher priority events" for notifications, col. 10, lines 57-67, and can also be accessed in a "stack" such as a "LIFO" or "reverse order of occurrence", col. 11, lines 1-8)*; The preferred data structure, whether it be stacks or queues, maintain the sequential order.

Referring to claim 7, Lawson teaches a method in a computer system for providing property notifications for property settings in a distributed computing environment *("event notification in a distributed computing environment", where a property can be set as an event, col. 1, lines 21-25)*, the method comprising:

- for each of a plurality of software components, registering an interest in a property, and setting the property a plurality of times;
- for each setting of the property, notifying each software component of the plurality of software components that the property has been set prior to notifying any software component of the plurality of software components of any later setting of the property *("multiple event queues which may take the form of preferential queues for processing higher priority events" for notifications, col. 10, lines 57-67, and can also be accessed in a "stack" such as a "LIFO" or "reverse order of occurrence", col. 11, lines 1-8).* The preferred data structure, whether it be stacks or queues, maintain the sequential order.

Lawson's event notification system and method is able to customize the event type so that monitoring a property can be set as an event *("custom event type", "register the event type", "notification process", "notify", "event had occurred", col. 6, lines 7-24).* To achieve setting the property a plurality of times, a respective custom event can be created for each of those properties. Furthermore, Lawson discloses, "Registering for an event comprises making one entry identifying the event type [first software component] and the local event consumer [second software component] wishing to receive notification of the event and another entry identifying the server attached to the local event consumer as needing notification of the event type [second software component]" *(col. 20, lines 59-67, and also see "Employee example" on col. 25, lines 54-65).*

Referring to claim 8, Lawson teaches wherein each software component of a plurality of software components receives the notifications of the settings in the same temporal order in

which the plurality of settings occurred *("multiple event queues which may take the form of preferential queues for processing higher priority events" for notifications, col. 10, lines 57-67, and can also be accessed in a "stack" such as a "LIFO" or "reverse order of occurrence", col. 11, lines 1-8)*. The preferred data structure, whether it be stacks or queues, maintain the sequential order.

Referring to claim 9, Lawson teaches:

- after registering, determining when the second component enters an up state (available).

Lawson's event notification system and method is able to customize the event type so that monitoring a property can be set as an event *("custom event type", "register the event type", "notification process", "notify", "event had occurred", col. 6, lines 7-24)*. Furthermore, Lawson discloses, "Registering for an event comprises making one entry identifying the event type [first software component] and the local event consumer [second software component] wishing to receive notification of the event and another entry identifying the server attached to the local event consumer as needing notification of the event type [second software component]" *(col. 20, lines 59-67, and also see "Employee example" on col. 25, lines 54-65)*. After registering *(item 96 in Fig. 4)*, determining when the second software component is in an up state occurs during the identification process for notifications that are needed/available *(items 90, 98 and 106 of Fig. 4)*. If they are available (up state), then notification of the event occurs.

Referring to claim 10, Lawson teaches:

- wherein registering takes place prior to instantiation (being in an upstate) of the second component *(see item 96 in Fig. 4)*.

Lawson's event notification system and method is able to customize the event type so that monitoring a property can be set as an event *("custom event type", "register the event type", "notification process", "notify", "event had occurred", col. 6, lines 7-24)*. Furthermore, Lawson discloses, "Registering for an event comprises making one entry identifying the event type [first software component] and the local event consumer [second software component] wishing to receive notification of the event and another entry identifying the server attached to the local event consumer as needing notification of the event type [second software component]" *(col. 20, lines 59-67, and also see "Employee example" on col. 25, lines 54-65)*. After registering *(item 96 in Fig. 4)*, determining when the second software component is in an up state occurs during the identification process for notifications that are needed/available *(items 90, 98 and 106 of Fig. 4)*. If they are available (up state), then notification of the event occurs.

Referring to claim 11, Lawson teaches a computer readable medium comprising computer executable instructions *("Such program storage means can be any available media which can be accessed by the processing means of a general purpose or special purpose computer. By way of example, and not limitation, such program storage means can comprise RAM, ROM, EEPROM, CD-ROM or other optical disk storage, magnetic disk storage or other magnetic storage devices, or any other medium, which can be used to store the desired program code means and which can be accessed by a general purpose or special purpose computer.", col. 7, lines 42-56)*.

Referring to claim 12, Lawson teaches a computer readable medium comprising computer executable instructions *("Such program storage means can be any available media which can be accessed by the processing means of a general purpose or special purpose computer. By way of example, and not limitation, such program storage means can comprise RAM, ROM, EEPROM, CD-ROM or other optical disk storage, magnetic disk storage or other magnetic storage devices, or any other medium, which can be used to store the desired program code means and which can be accessed by a general purpose or special purpose computer.", col. 7, lines 42-56).*

Referring to claim 13, Lawson teaches:

- a modulated data signal carrying computer executable instructions *("computer", col. 1, line 22).*

It is inherent that a computer system has modulated data signals, transmitted at each clock cycle, which can carry computer executable instructions.

Referring to claim 14, Lawson teaches:

- a modulated data signal carrying computer executable instructions *("computer", col. 1, line 22).*

It is inherent that a computer system has modulated data signals, transmitted at each clock cycle, which can carry computer executable instructions.

Referring to claim 15, Lawson teaches a computing device *("computer", col. 1, line 20-25)*.

Referring to claim 16, Lawson teaches a computing device *("computer", col. 1, line 20-25)*.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (703) 305-5334. The examiner can normally be reached on 9:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is none.

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December 16, 2002

PRIMARY EXAMINER